

Appl. No. 09/989,390

Art Unit 1732

February 17, 2004 (Tuesday after Federal Holiday)

Reply to Office Action of October 16, 2003

REMARKS

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims.

In the present Reply, claims 2 and 10 have been canceled and claims 1 and 3 have been amended. Claims 7-9 and 11-13 remain withdrawn. Claims 2 and 3-4 are indicated to have allowable subject matter (see page 3 of the Office Action). Thus, claims 1, 3-9 and 11-13 are pending in the present application. No new matter has been added by way of these amendments. For instance, the amendment to claim 1 merely incorporates the canceled subject matter of claim 2. Accordingly, the dependency of claim 3 was amended.

Based upon the above considerations, entry of the present amendment is respectfully requested.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Allowable Subject Matter

At page 3 of the Office Action, claims 2 and 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims. In this regard, Applicants respectfully refer the Examiner to the scope of instantly pending claim

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1, which represents claim 2 in independent form. A declaration that claim 1 and all dependent claims thereon are allowed is respectfully requested.

Issues Under 35 U.S.C. § 102(b)

Claims 1, 5 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Greenwood et al. '195 (U.S. Patent No. 3,486,195). Applicants respectfully traverse.

Claim 1 as presented incorporates the allowable subject matter of claim 2. Claims 5 and 6 depend on claim 1. Accordingly, this rejection is rendered moot. Further, under *See Verdegaal Bros. v. Union Oil Co. of California*, the cited Greenwood '195 reference fails to disclose all features as instantly claimed. 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Thus, this rejection has been overcome. Reconsideration and withdrawal of this rejection are respectfully requested.

Information Disclosure Statement of November 6, 2003

Applicants have yet to receive a copy of the PTO-1449 form having the Examiner's initials next to each cited reference that was submitted with the Information Disclosure Statement on November 6, 2003. Applicants respectfully request such a copy.

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Withdrawn Claims

Should the Examiner take favorable action on the present application, Applicants respectfully request that claims 7-13 (directed to an apparatus) be reconsidered (and rejoined with the allowable subject matter).

Conclusion

A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. § 1.17 and 1.136(a), Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application. The required fee of \$110.00 is attached hereto.

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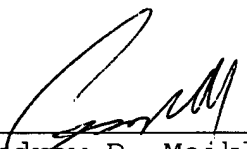
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
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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